

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Shawn D. Cartwright

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For: SYSTEM AND METHODS FOR OBTAINING ADVANTAGES AND
TRANSACTING THE SAMEEXPRESS MAIL LABEL NO: EL531 173 605US
DATE OF DEPOSIT: September 29, 2000

BOX PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

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Technology Center 2100

Dear Sir:

**PETITION TO MAKE APPLICATION SPECIAL
UNDER 37 C.F.R. 1.102(d) and M.P.E.P. 708.02(VIII)**

Applicant respectfully request pursuant to 37 C.F.R. 1.102(d) and M.P.E.P. 708.02(VIII), that this application be advanced out of turn for examination. A fee in the amount of \$130.00, as provided in 37 C.F.R. 1.17(i), is provided herewith.

The undersigned authorized a patentability search by Lacasse and Associates. According to Mr. Lacasse's search report, the following subclasses (including the available foreign references and publications) were manually searched: Class 463, Subclasses 29 and 42, Class 705, Subclasses 27, 34, 52, 54, 56, 59 and 77.

The following detailed discussion of the references listed on the attached Form PTO-1449 points out how the claimed subject matter is distinguished over the references. One copy of each of the references listed on the Form PTO-1449 is submitted herewith.

The present invention as recited in each of Applicant's independent claims, provides a system and method *for creating, integrating and transacting the advantages*. As explained below in greater detail, the patents and other reference materials discussed herein and cited on the Form PTO-1449 lack any disclosure or suggestion of such a system or

methods. The system and methods of the present invention allows advantages providers to create, integrate, and transact advantages with participating users in non-computing, partial-computing, and computing environments. An advantage can generally be considered a desired feature and/or element in a given environment which one is not entitled to have.

The present invention operates independently of the type of advantage. As such participating advantages providers are afforded extreme flexibility to create various advantages to be offered in a particular environment or a hybrid of environments. In a preferred embodiment, the present invention may be realized as a computing application or features of a computing application that allow users to create, integrate, and transact advantages in existing computing, partial computing, or non-computing based applications. Comparatively, the listed references do not provide systems and methods that allow for the creation, *integration*, and transaction of *advantages* within non-computing, partial computing, and computing environments.

The present invention is novel when compared to existing systems and methods that offer desired environment features and/or elements. For example, there are a number of Web pages (as listed in the accompanying PTO-1499 form) that provide computing game advantages to participating users. None of these references, however, appear to provide these advantages outside of the computing environment or particularly outside of the computing game context. These advantages are directed to extended game play time and extended game features (e.g. extra ammunition, extra time, superior skills, or overcoming a challenge within the game *at the time* the challenge is encountered (e.g. Gameshark.com, Cheat Codes 2000, Cheatcc.com, and GameSages). In comparison, the present invention supports a wide spectrum of advantages, not just focused on the computing game environment. For example, in the context of the computing game environment, the present invention may offer game resources, advances in game character capabilities, and hints to navigate a particular part of the game, etc. Furthermore, the present invention is available to participating users throughout a participating user's environment, not only when needed to overcome a challenge. The most important distinction that exists between the present invention and the referenced Web pages is that the present invention affords advantage providers the ability to *integrate* the advantage in the participating user's environment. With this ability, users are no longer relegated to independently find and ferret out advantages that they, *themselves*, would be required to integrate within their

environments.

For example, if a participating user employed the services offered in the above-described Web pages, the participating user would be required to search for a desired advantage, retrieve the desired advantage (e.g. game cheat code), and implement the desired advantage *him/herself* in his/her environment (e.g. input the cheat code into the game). This requires the participating user to expend a great deal of resources in obtaining and integrating the desired advantage. Comparatively, the present invention offers the advantage as an integrated environment feature and/or element within a participating user's environment, rendering the advantage procurement and implementation process much easier. By using the present invention, a participating user is required only to decide if he/she would like to transact an integrated advantage. In sum, these Web page references lack any disclosure or suggestion of a comprehensive system and methods to obtain and transact advantages outside of the computing game context, and more importantly, that provides advantages already integrated within a participating user's environment.

Additionally, the present invention is novel when compared to issued U.S. Patents.

U.S. Patent No. 5,497,479 (Hornbuckle) discloses a system and method for renting, remotely controlling and monitoring the user of computer software while deriving customer user and billing information. The system is automated and is adaptable to support functions directed to the rental of video game software. However, this patent does not address the creation, integration, and transaction of desired features within a software application. Moreover, this patent is directed only to distributing and transacting software applications without any reference to the procurement and transaction of non-computing elements.

U.S. Patent No. 5,907,617 (Ronning) discloses a system and method for gathering data related to usage of software programs sampled by a potential purchaser or other user of the programs. Furthermore, when a user submits a request to purchase software programs and provides any required information, such as a credit card number, the system distributes an unlocked copy of the digital information to the user. Unlike, the present invention, which is directed to the procurement and transaction of advantages (e.g. elements or features) within an environment, the Ronning patent is directed to the transaction of entire environments (i.e. entire software applications).

U.S. Patent No. 6,014,651 (Crawford) discloses an online service, which

provides downloading a plurality of software applications (e.g. video games, etc) that are stored on host-provided virtual storage, thus allowing users the ability to try the software on a pay as you go basis. The service provides renting, purchasing, automated billing of software usage. The Crawford patent, however, is dissimilar to the present invention as it is exclusively directed to the computing environments. Further, Crawford only contemplates the distribution of a list of software, without regard to integrating the distributed software within the participating user's environment such that the participating user can choose within their environment to take obtain a desirable feature or environment variable (i.e. to obtain an advantage).

U.S. Patent No. 6,067,582 (Smith) discloses a system and method for distributing software applications, providing secure billing/user information over a computer network and collecting payment therefore. Additionally, billing information is disclosed as any variety of finance related numbers or forms of electronic commerce, thereby allowing software installers the ability to track individual user of the software application. The Smith patent is unlike the present invention since the Smith patent does not disclose elements that allow for the real time billing of software distribution within a software application.

U.S. Patent No. 5,166,886 (Monlar) discloses a system for extended trial use of computer programs before they are purchased by participating users. The system distributes these programs in their entirety, or virtual entirety using a communications network. As such, the system provides participating users the opportunity to purchase programs before or after they try the computer programs. Unlike the present invention, the Monlar system is directed to the distribution of software applications in their entirety. The present invention contemplates the integration of a desired environment feature and/or element to participating user, not entire environments.

U.S. Patent No. 5,625,690 (Michel) discloses a system to distribute entire software applications wherein the software becomes operable upon proper verification by a participating user (i.e. the distributed software is encrypted and must be decrypted using a key each time it is run). The system further provides a way for the participating user to obtain and transact the required key. The present invention is dissimilar to the Michel system and methods in that it does not focus exclusively the distribution of features in the computing environment.

U.S. Patent No. 5,708,709 (Rose) discloses a system and method to distribute

licensed files over a distributed computer system. The Rose system and methods do not disclose or suggest the novel aspects of the present invention. Particularly, the present invention contemplates a system and methods that provide participating users desired features (and not licensed computer files) that are integrated within the participating users' environment. The environments supported by the present invention need not be computing environments exclusively.

U.S. Patent No. 6,036,601 (Heckel) discloses a non-interactive method of advertising within Internet-based game screens, that does not interrupt the playing of the game, while exposing the user to intended advertisements. These advertisements may be directed to participating users based on demographic information and the advertisement exposures tracked using statistical techniques to determine the efficacy of the displayed advertisements. Unlike the present invention, Heckel contemplates static advertisements. The present invention provides for interactive environment features and/or elements (including advertisements) that participating users may interact with to obtain the desired environment feature and/or element.

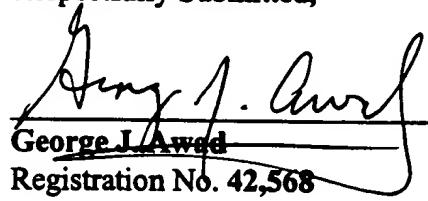
These patents lack any disclosure or suggestion of a system or methods that provide integrated advantages (i.e. desired environment features and/or elements) that may be transacted in real time in non-computing, partial computing, and computing environments. Applicant's specification lists a number of advantages directed to the creation, integration, and transaction of advantages. First, the present invention contemplates the procurement and transaction of integrated advantages within various computing, partial computing, and non-computing user environments. Second, the transaction occurs in real time providing instantaneous tracking of advantages usage. This information may be subsequently used to offer targeted advantages thereby enhancing a participating user's overall environment experience. Further, the systems and methods of the present invention are adaptable to accommodate almost any advantage offered by advantage providers. In comparison, users, today, are relegated to seek out desired features and environment elements (i.e. to obtain advantages) through a piece-meal process thereby expending valuable resources. Moreover, with existing systems, the user is often left to integrate the advantage by him/herself further expending valuable resources. The present invention provides integrated advantages thereby obviating this concern. Further, current environment feature providers (e.g. cheat code Web sites) are left to implement independent transaction systems to bill and collect for the

advantages provided. The present invention seeks to alleviate this shortcoming by providing a comprehensive transaction system that charges participating users for advantages usage, in real-time, and tracks and collects for the advantages (i.e. desired environment features and elements) provided.

For all of the foregoing reasons, Applicant respectfully submits that the claimed subject matter is patentable over the prior art.

Respectfully Submitted,

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